

CITY OF ATLANTA, GA.

MARCH 25 (legislative day, MARCH 5), 1942.—Ordered to be printed

Mr. SPENCER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 5866]

The Committee on Claims, to whom was referred the bill (H. R. 5866) for the relief of the city of Atlanta, Ga., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1774, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1774, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5866) for the relief of the city of Atlanta, Ga., having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

At the end of bill add: “:Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.”

The purpose of the proposed legislation is to pay to the city of Atlanta, Ga., the sum of \$276.38 for the construction of a cement sidewalk adjacent to the property of the Civil Aeronautics Administration on Wells Street in that city.

STATEMENT OF FACTS

During 1941 the city of Atlanta constructed in front of the depot of the Second Regional Office of the Civil Aeronautics Administration a sidewalk which, according to the statement of the city, consisted of 195.7 feet of sheet cement; that a bill in the amount of \$276.38 was submitted to the Washington Office of the Civil Aeronautics Administration for payment; that the Chief Counsel submitted a claim to the General Accounting Office for preaudit, and on September 11, 1941, the General Accounting Office refused certification of the voucher for the reason that since city laws authorizing the assessment of the cost of the sidewalk against owners of abutting premises are not applicable to the Federal Govern-

ment, there appeared no authority for payment and, in accordance with the decision of the Comptroller General, the claim was disallowed.

The Civil Aeronautics Administration, in a report to the committee, recommends: "The installation of this sidewalk confers a benefit upon this building and, for that reason, it is my opinion that the city of Atlanta is entitled to reasonable compensation. There is nothing in our records to disclose that the amount claimed by the city of Atlanta for the construction of this sidewalk is unreasonable, and, accordingly, it is recommended that your committee report favorably on this bill."

Your committee concur in the recommendation of the Civil Aeronautics Administration, and recommends that the bill, as amended, do pass.

DEPARTMENT OF COMMERCE,
CIVIL AERONAUTICS ADMINISTRATION,
Washington, November 15, 1941.

Hon. DAN R. McGEHEE,
*Chairman, Committee on Claims,
House of Representatives, Washington, D. C.*

DEAR MR. McGEHEE: As I informed you in my letter of November 3, 1941, an investigation has been made of the facts underlying the claim of the city of Atlanta in the amount of \$276.38 for the construction of a cement sidewalk adjacent to the property of the Civil Aeronautics Administration on Wells Street in Atlanta. This claim is the subject of H. R. 5866, a bill for the relief of the city of Atlanta, Ga.

It appears from the records of our office that the city of Atlanta, during 1941, constructed in front of the depot of the second regional office a sidewalk, which, according to the statement of the city, consisted of 195.7 feet of sheet cement.

Our regional office, upon receipt of a bill from the city of Atlanta in the amount of \$276.38 for this work, informed the city of Atlanta that funds were not available for payment and requested that the bill be canceled. The city of Atlanta refused to do so and the bill was submitted to the Washington office of the Civil Aeronautics Administration for opinion as to the authority of the Administration to make such payment.

Upon the recommendation of the Chief Counsel the bill was submitted to the General Accounting Office for preaudit. On September 11, 1941, the General Accounting Office refused certification of the voucher for this bill with the following notation:

"Since city laws authorizing the assessment of the cost of the sidewalk against owners of abutting premises are not applicable to the Federal Government, there appears no authority for payment" (3 Comp. Gen. 416; 18 Comp. Gen. 562).

In accordance with this decision by the General Accounting Office the bill rendered by the city of Atlanta was not paid by the Civil Aeronautics Administration.

The building on Wells Street, Atlanta, Ga., which is adjacent to the sidewalk constructed by the city, is owned by the Civil Aeronautics Administration. The installation of this sidewalk confers a benefit upon this building and, for that reason, it is my opinion that the city of Atlanta is entitled to reasonable compensation. There is nothing in our records to disclose that the amount claimed by the city of Atlanta for the construction of this sidewalk is unreasonable and, accordingly, it is recommended that your committee report favorably on this bill.

Sincerely,

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

OFFICE OF THE MAYOR,
Atlanta, Ga., October 13, 1941.

Hon. ROBERT RAMSPECK,
House of Representatives, Washington, D. C.

DEAR MR. RAMSPECK: The Civil Aeronautics Administration has property in Atlanta on Stewart Avenue at the corner of Wells Street.

The city of Atlanta laid cement sidewalk on Wells Street by the property and, according to law, the property owner is liable for this assessment, which was billed on January 11, 1941, under bill No. 81934, amounting to \$276.38. The bill for this assessment was mailed on January 11, 1941, and received by Mr. S. A. Kemp, administrative officer of the Civil Aeronautics Administration.

There has been considerable correspondence concerning the payment of this assessment, and you will find enclosed our file on this matter. The correspondence has been between Mr. B. G. West, city comptroller; Mr. S. A. Kemp, administrative officer of the Civil Aeronautics Administration; and Mr. George W. Vest, regional manager of the Civil Aeronautics Administration. There is also enclosed an opinion from Mr. J. C. Murphy, assistant city attorney.

I will appreciate it very much if you will get a special appropriation passed by Congress to pay the city of Atlanta for this sidewalk assessment.

When you have finished with this file, please return it to me.

Yours very truly,

ROY LECRAW,
Mayor, City of Atlanta.

DEPARTMENT OF LAW,
Atlanta, Ga., October 6, 1941.

Re bill No. 81934, Civil Aeronautics Authority cement sidewalk assessment on Wells Street, \$276.38.

Hon. RILEY F. ELDER,
City Hall, Atlanta, Ga.

DEAR MR. ELDER: I am returning herewith your file in connection with the above-stated matter.

Under the law the city has no authority whatever to make any assessment for street improvements against the United States Government, or property owned by it. Such improvements may only be made when requested by the United States Government and can be made only in conformance with a contract entered into with the United States Government.

Inasmuch as the sidewalk laid in front of this property will benefit the property owned by the United States Government, it is suggested that this matter be taken up directly with Congressman Ramspeck in Washington with an idea of getting him to introduce a resolution to pay the bill. It can only be done by an appropriate resolution passed by the Congress of the United States. It is believed that the mayor can do this better than this office.

Yours very truly,

J. C. MURPHY,
Assistant City Attorney.

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